

REMARKS

1. Claim Amendments

Claims 1, 6 and 11 have been amended per the Examiner's suggestions on page 2, paragraph 3, of the Office Action. Claim 11 has been amended to correct a capitalization error. No new matter has been added.

2. Claim Rejections – 35 U.S.C. § 112, first paragraph

Claims 1-15 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. With respect to independent claims 1, 6 and 11, the Office Action recites, “The claim language Class III style” was amended to recite “non-fixed pool”, which appears to be new matter.” (*Office Action, p. 3, para. 2*)

The Office Action further states, “However, the Examiner has reviewed the cited portions & is unable to find adequate support for claim limitations requiring fixed pools of elements derived from a non-fixed pool game. In fact, the section Applicant points to begins under the heading “Pool generation or Protocol Use for Fixed-Pool Games With Bonus... Moreover, Applicant’s Background discloses desirability for games based on fixed pools and not non-fixed pools.” (*Office Action, p. 3, para. 3*)

To provide context for this response, the Examiner is respectfully reminded of the telephonic interview of May 27, 2009, which he correctly summarized, in part, as follows: “Applicant explained that their invention seeks to provide a Class III gaming experience through a Class II gaming machine.” (*Interview Summary, 6/4/2009*) The invention accomplishes this by crafting a fixed-pool game derived from a non-fixed pool game. Thus, there is no inconsistency between the above referenced section heading, the Background section of the Specification and the Applicants’ statements regarding the relevance of these sections to the enablement of the limitations in question. The intermingling of certain fixed pool and non-fixed pool concepts is an important aspect of the invention.

For the sake of brevity, the rejections of independent claims 1, 6 and 11 are discussed in detail on the understanding that the dependent claims include additional features that, in

combination with those of the independent claims, provide further, separate and independent bases for patentability.

In the previous response, the Applicants referred the Examiner's attention to the differences between Class II fixed pool and Class III style (Nevada-style) games on page 2 of the Specification. In lines 20-22, the Specification clearly equates the terms "Nevada-style" and "Class III" and distinguishes such games from Class II "fixed pool games."

Page 4, lines 1-3, also recite, "...there is a need to find a way to provide players of fixed pool gaming machines with features found in Nevada-style gaming, especially game bonus rounds or bonuses." Clearly, if Nevada-style gaming was equivalent to fixed pool gaming, such a need would not exist. Therefore, Nevada-style gaming must *not* be fixed pool gaming.

Upon reviewing the rejection, Applicants have further limited claims 1, 6 and 11 to recite, in part, "a fixed pool of game results derived from a non-fixed-pool slot machine game." In addition to the previously cited pages of enablement on page 2 and the section beginning on page 15, support for this limitation can be further be found in at least Figure 2 and its description in the Specification on pages 7-8. As the claim limitations, as currently amended, are supported by original sections of the Specification, no new matter has been introduced.

Given the above, the Applicants respectfully request reconsideration of the rejection of claims 1-15 under 35 U.S.C. §112, first paragraph.

Applicants have made an earnest and *bona fide* effort to clarify the remaining issues before the Examiner and to place this case in condition for allowance. The Examiner has admitted on page 2 of the Office Action that the claims appear otherwise allowable. Reconsideration and allowance of all of claims 1-15 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned agent at (702) 584-7209. The undersigned can normally be reached Monday through Friday from about 9:00 AM to 5:00 PM Pacific Time.

Respectfully submitted,

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